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CENTRAL FAX CENTER****AUG 25 2006****ATTORNEY DOCKET: PD-02W173*****PATENT*****REMARKS**

This responds to the Final Office Action mailed on June 28, 2006. Reconsideration is respectfully requested.

By this Amendment, Claims 1-5, 11-14 and 19-23 are amended, Claims 6-10, 15-18 and 24-27 are canceled, and no claims are added; as a result, Claims 1-5, 11-14 and 19-23 remain pending in this Application.

§102 and §103 Rejections of the Claims

Claims 1, 3-15, 19 and 20 were rejected under 35 USC § 103(a) as being unpatentable over Silcott (U.S. 20030098422) in view of Dai (U.S. 20030230728), and optionally further in view of Cramp (US 4490043). Claims 2 and 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Silcott (U.S. 20030098422) in view of Dai (U.S. 20030230728), and optionally further in view of Cramp (US 4490043), and further in view of Englehardt (US 20010025930). Claims 21 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Silcott (U.S. 20030098422) in view of Dai (U.S. 20030230728), and optionally further in view of Cramp (US 4490043) as applied to Claims 15 and 20, and in further view of Petrich (US 200301060182). Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Silcott (U.S. 20030098422) in view of Dai (U.S. 20030230728) and optionally further in view of Cramp (US 4490043) as applied to Claim 5 and in further view of Reichert (U.S. 6911344) or Giebler (U.S. 6313471). Claim 24 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Silcott (U.S. 20030098422) in view of Dai (U.S. 20030230728) and Cramp (US 4490043). Claims 25-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Silcott (U.S. 20030098422) in view of Dai (U.S. 20030230728) and Cramp (US 4490043), as applied to Claim 24, and further in view of Englehardt (US 20010025930).

The claims, as amended, are directed to a bioagent detecting system for detecting an elevated presence of bioagents in the air. Applicants submit that none of the

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references, teach, suggest or motivate the combination of the following elements recited Applicant's claims:

1) a blaze grating to separate ultraviolet wavelengths provided by a laser source into first and second ultraviolet wavelengths to provide a pair of wavelengths having a wavelength separation therebetween of no more than approximately five nanometers,

2) an output coupler coupled to the blaze grating to direct the first and second ultraviolet wavelengths to fluoresce an aromatic protein,

3) a detector to detect first and second fluorescence levels of the aromatic protein received through the output coupler and associated respectively with the first and second ultraviolet wavelengths, and

4) a system controller to correlate the first and second detected fluorescence levels with atmospheric absorption levels for the aromatic protein at the first and second ultraviolet wavelengths to determine if an ambient threshold is exceeded by a predetermined amount.

Applicants further submit that none of the references, teach, suggest or motivate the use of the first and second ultraviolet wavelengths that have different absorption levels for the aromatic protein which are substantially unaffected by atmospheric levels of the aromatic protein.

In view of the above, Applicants submit that Claims 1-5, 11-14 and 19-23 are allowable over the cited references.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregory J. Gorrie (Reg. No. 36,530) at (480) 659-3314 or Applicant's below-named representative at (310) 647-2577, to facilitate prosecution of this Application.

The Director has already been authorized to charge Deposit Account Number 50-0616 (*see* PTO/SB/30 attached) in this Application for RCE fees under 37 CFR 1.17(c) which is required by 37 CFR 1.114 when filed.

The Director has also already been authorized to charge any fees, or credit any overpayments regarding this application to Deposit Account Number 50-0616.

Respectfully submitted,
James G. SHEPARD, et al.

Date:

August 24, 2006

By:

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LAA/cc

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